IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7111 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHATURBHAI BHAVANBHAI MAKWANA

Versus

PRINCIPAL GUJARAT COLLEGE

Appearance:

MR SM MAZGAONKAR for Petitioner

UNSERVED-REFUSED (N) for Respondent No. 1

Ms.Nandini Joshi, Asstt. Govt. Pleader instructed by M/S PATEL ADVOCATES for Respondent No. 3

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 15/09/2000

ORAL JUDGEMENT :

The present petition is filed by the petitioner challenging the inaction of the respondents in not

granting permanency to the services of the petitioner, which he has been rendering with devotion and dedication since 1985 under respondent no.1, as Mali- cum- Peon, daily wager. It is the case of the petitioner that the services of the petitioner came to be terminated on 23.3.1990 and that the said act was illegal and in defiance of the mandatory provisions of the Industrial Disputes Act and it amounted to victimization and unfair labour practice.

2. It is the case of the petitioner that he belongs to scheduled caste and he studied upto Standard IX. The petitioner was employed as back as in 1985 and continued to work until he came to be discharged from service on 23.3.1990.

3. This Court while issuing rule and expediting the same on 8.1.1992, directed that,

> "However, in the facts of the case by way of interim relief it is directed that if any post falls vacant for which the petitioner is eligible, his claim for the post shall be considered."

4. Ms.Nandini Joshi, learned Assistant Govt. Pleader, instructed by Messrs Patel Advocates submitted that so far no eventuality had occurred whereby the case of the petitioner was required to be considered. However, she makes a statement on instructions from the officers present before the Court that they will abide by the aforesaid directions in future and will consider the claim of the petitioner for the post for which the petitioner is eligible, whenever there is a vacancy including that of 'part time' also.

5. Mr.Mazgaonkar, learned advocate for the petitioner submitted that while the authorities consider the claim of the petitioner, the same may be considered with due relaxation of age so that the petitioner gets the substantial justice. In the facts and circumstances of the case it is directed that the case of the petitioner shall be considered with necessary age relaxation, in accordance with law, as admittedly the petitioner has become over-aged by now.

6. Mr.Mazgaonkar, leaned advocate for the petitioner requested that the authorities may be directed to intimate the petitioner about the same. He submitted that the petitioner will submit an application to the respondent authorities with his latest address so that

the authorities can intimate him about the consideration of his claim. The request is reasonable and worth granting. The authorities shall intimate the petitioner by a Registered Post Ack. Due letter at the address supplied by the petitioner. The petition is disposed of with the aforesaid directions. Rule is discharged. No order as to costs.

15th September 2000 (Ravi R. Tripathi, J.)

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